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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 16th MEETING (FIRST PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 6 February 1992, at 3 p.m.

Chairman:	Mr. SOLT	(Hungary)
later:	Mr. NASSERI	(Islamic Republic of Iran)

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* The summary record of the second part of the meeting appears as document E/CN.4/1992/SR.16/Add.1.

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development (continued)

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The meeting was called to order at 3.05 p.m.

STATEMENT BY MS. BIKE, MINISTER-DELEGATE TO THE MINISTRY OF YOUTH, SPORT, THE ARTS AND CULTURE, RESPONSIBLE FOR HUMAN RIGHTS AND THE STATUS OF WOMEN, OF THE GABONESE REPUBLIC

1. Ms. BIKE (Minister-Delegate to the Ministry of Youth, Sport, the Arts and Culture, responsible for human rights and the status of women, of the Gabonese Republic) said that she had looked with interest through the various items on the agenda for the session and that she fully appreciated the worth of the documents submitted, referring in particular to the second interim report of the Special Rapporteur and the Secretary-General's report on the realization of the right to development.

2. Since the General Assembly's Declaration in 1986, which had stressed the interaction between economic and social progress and human rights, the Commission had been constantly concerned with the realization of the right to development. The global consultation on the right to development as a human right, held in January 1990, had defined the content of that right and framed strategies for achieving it in response to the pressing demands of development.

3. Gabon was concerned about economic and political trends in many developing countries that were bound by structural adjustment programmes. In those countries persistent poverty was a factor making for instability and a decline in standards of living. The debt burden gave no cause for optimism. Gabon was therefore appealing for international solidarity and cooperation with a view to the establishment of a balanced and more evenly distributed world economy.

4. The major changes that had occurred in the world in recent years - end of the Cold War, the process of disarmament, the wave of economic reforms, the trend towards the democratization of political structures in many countries, the peace negotiations in the Middle East and the beginnings of constitutional reform in South Africa - were encouraging signs of respect for human rights. At the same time, however, there was a resurgence of exacerbated nationalistic feeling, racism and intolerance.

5. With regard to South Africa, she commended the efforts made by the South African President and all the parties interested in building a multiracial State based on justice and fundamental freedoms. Gabon was remaining alert to developments in the situation and hoped that that process would lead to the adoption of a basic law acceptable to everyone, which would enable the South African Government to become part of the great African family.

6. The World Conference on Human Rights, scheduled to be held in 1993, was an encouraging prospect and the Gabonese delegation supported the proposal made at the first meeting of the preparatory committee that it should be held in Berlin. She considered that the action of the Centre for Human Rights should be encouraged and strengthened under the leadership of the Under-Secretary-General of the United Nations, Mr. Martenson.

7. Since its accession to international sovereignty, Gabon had been making every effort to establish a State governed by the rule of law. The Gabonese people were very attached to human rights and fundamental freedoms, as set out in the Universal Declaration of Human Rights of 1948, the African Charter on Human and Peoples' Rights of 1981 and the National Charter of Freedoms of 1990. Respect for human rights was a sine qua non for the moral and material fulfilment of human beings.

8. It was in order to preserve the peace that the President of the Gabonese Republic, Mr. Omar Bongo, had convened a national conference which had led to the establishment of a full multiparty system, the adoption of a National Charter of Freedoms, the setting up of a constitutional court and a national communication council and the establishment, at the following parliamentary session, of an economic and social council.

9. The President of the Gabonese Republic, wishing to guard against social unrest, had released all prisoners imprisoned for jeopardizing State security. Consequently, there were not at that time any prisoners of conscience in Gabon. Furthermore, the springing up of trade unions, political parties and newspapers offering political analysis and the revival of the voluntary sector were signs of the democratization of political life in the country. A fair number of associations recently founded in Gabon had set themselves the objective of defending and promoting human rights.

10. To guarantee real democracy, Gabonese citizens needed to know their rights and obligations and the operating rules of democratic society. For that reason the Gabonese authorities wished to direct their efforts towards the popularization and teaching of human rights at all levels of society. They were therefore requesting support from the United Nations and the specialized agencies.

11. In conclusion, she reaffirmed the importance of the contribution made by the Commission to the effective enjoyment of human rights and Gabon's commitment to that great cause. She said that the Gabonese Government intended to strive unceasingly to attain the objectives shared by all the members of the Commission.

12. Mr. Nasseri took the Chair.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (item 7 of the agenda) (continued) (E/CN.4/1992/9; E/CN.4/1992/NGO/3; E/CN.4/Sub.2/1991/17)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (item 8 of the agenda) (continued) (E/CN.4/1992/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (item 15 of the agenda) (continued) (E/CN.4/1992/61; E/C.12/1988/1; CCPR/C/2/Rev.2; A/46/393)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 16 of the agenda) (continued) (E/CN.4/1992/44; E/CN.4/1992/NGO/7; A/46/668, 650 and 503)

13. Mr. AL-DOURI (Iraq) stated that Iraq was convinced of the indivisibility of all human rights and hence of the need to realize economic, social and cultural rights in order to ensure the exercise of all other rights and vice versa. The Iraqi delegation considered that it was the duty of the Commission on Human Rights to consider the question of the exercise of such rights in Iraq under the difficult circumstances prevailing in that country, especially since the "Gulf War" and the aggression from which it had suffered on the part of NATO forces. Everyone knew that Iraq was a wealthy country endowed with oil and agricultural resources and that no Iraqi citizen had wanted for anything until 6 August 1990, when the Security Council had adopted resolution 661 placing an economic embargo on that country, resulting in unutterable suffering for the Iraqi people. The inhuman attitude of some States, in particular the United States and Great Britain, which had always refused to free the assets of Iraq, had resulted in a serious shortage of medicines and foodstuffs.

14. Thanks to the food rationing system successfully introduced by the Iraqi Government, Iraqi citizens were not completely dying of hunger but each of them was receiving no more than a ration of 1,600 calories a day whereas the required average ration was 4,600 calories, as was pointed out by Prince Sadruddin Aga Khan in the report he had prepared in August 1991. Some essential food products like meat, milk, tea and oil were very often unobtainable on account of their prohibitive prices, which had repercussions on the health of children and the elderly in particular. The shortage of drugs had led to an increase of 470 per cent and 350 per cent respectively in the death rate of children under the age of five due to the spread of numerous contagious diseases such as poliomyelitis, diphtheria, pertussis, typhoid and cholera. During the period from 2 August 1990 to 1 December 1991 31,033 children under the age of five and 67,636 children over the age of five had died. It had to be pointed out that that situation was largely due to the fact that some States, in particular the United States of America, France, Great Britain, Germany, Sweden, Italy and Swizterland, and some companies had never honoured the contracts for the provision of foodstuffs and medicines which they had signed with Iraq prior to 2 August 1990 and following that date, although they had already been paid and the products concerned were not covered by the embargo.

15. Iraq's economic, social and cultural development had also been seriously jeopardized through the deliberate destruction during the war of all the country's infrastructure - bridges, communication installations, energy and power plants and dams - and through the economic blockade which had halted oil exports and brought about a freeze in economic relations with the other countries of the world. The situation had led to increasing unemployment, the disappearance from the Iraqi market of many essential goods manufactured in the country or imported from abroad and the skyrocketing of inflation rates. In spite of the difficulties, the Iraqi Government had established a

development plan for the period 1992-1995, under which 28.7 billion Iraqi dinars would be needed to boost the economy and to bring the growth rate of the GDP up to 3.4 per cent annually, which was little considering that the population growth rate was 2.8 per cent. Everything would depend on available resources, in other words on the resumption of oil exports, revenue from which would be less than 20 billion Iraqi dinars, whereas Iraq's current requirements stood at nearly 40 billion dinars.

16. In those circumstances, certain questions could legitimately be raised. Firstly, should the United Nations, which had been used as a cover for aggression against Iraq, be allowed to contribute to the imposition of collective sanctions against a whole people, thus depriving it of its basic needs, including the rights to life and food, while one of the main objectives of the United Nations Charter was to promote human rights? Secondly, what should the Commission on Human Rights do to mitigate the effects of the tragedy afflicting Iraq? Could it continue to stand idly by while a genocide was being prepared? It should not be forgotten that the coalition States had bombarded the country's infrastructures although they were civilian targets whose destruction had nothing to do with the implementation of Security Council resolution 660 (1990) requiring Iraqi forces to withdraw from Kuwait. It was therefore clear that their destruction had been a premeditated act, committed in violation of the Geneva Conventions of 1949 and 1977. Furthermore, the unwarranted continuation of the blockading of Iraq, at the express demand of certain States, in particular the United States, Great Britain and France, was clearly a means for those countries to exercise pressure on Iraq, which constituted a dangerous precedent in international relations and contravened the objectives and principles of the Commission on Human Rights. What was more, the continued imposition of an embargo on the supply of food and medicine to Iraq was in fact tantamount to a genocide, instigated by the United States and Great Britain which, while claiming to sympathize with the sufferings of the Iraqi people suffering from the blockade, were preventing the Sanctions Committee from adopting any resolution putting an end to it. In conclusion, the Iraqi delegation hoped that the Commission on Human Rights would assume its historic responsibility vis-à-vis the Iraqi people and do its utmost to mitigate the sufferings currently being endured by that people.

17. Mr. KOOIJMANS (Netherlands) shared the opinion expressed by Mr. Türk in his report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/17), to the effect that recent developments in the United Nations showed that States were increasingly aware of their legal obligations in respect of economic, social and cultural rights. Further study was needed of the problems encountered in the actual formulation and implementation of such rights. In that connection, he noted the usefulness of the document entitled "Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights" (document E/CN.4/1987/17).

18. It was not always easy to determine exactly when an individual's economic and social rights had been violated, and even less to identify a violator. Sometimes, however, there was clearly a violation as in the case of evictions (violation of the right to housing) with concomitant violations of other rights (including the right to life). Similarly clear cases were those of

serious violations of the right to food (and indeed of the right to health) when the supply of food was used as a weapon in armed conflict. The issue turned around legal concepts that were currently the subject of considerable discussion. The fact remained that a violation of that right was a matter of international concern, and not only in the legal sense, as understood by the Charter of the United Nations, but also more broadly in so far as world public opinion was profoundly disturbed by such violations.

19. With regard to the work of the Committee on Economic, Social and Cultural Rights, the Netherlands delegation urged NGOs to present information on those countries on which reports were to be considered at a specific session, in order to supplement the reports of Governments. The Netherlands delegation referred in that connection to the second General Comment (1990) of the Committee on Economic, Social and Cultural Rights concerning human rights and development, appearing in the Committee's report to the Economic and Social Council (E/1990/23-E/C.12/1990/3). That General Comment linked the work undertaken by human rights lawyers to the practical activities of project managers in the field. At its previous session, the Committee had had a discussion on the topic of social and economic indicators in which the specialized agencies and some NGOs had participated. It had emerged that the Committee was looking for indicators which would define in terms of figures a violation of a right, whereas the specialized agencies were mainly interested in assessing trends in order to be able to channel more effectively their resources earmarked for development. Nevertheless, those agencies were also working on the realization of human rights. In that connection, the Centre for Human Rights and human rights bodies were developing know-how, thus playing a key role within the United Nations system. The Netherlands delegation welcomed the idea of convening a seminar to discuss the issue of indicators prior to the Committee's next meeting.

20. The second UNDP World Human Development Report (1991) contained a human development index, geared to development in general and not directly related to the concept of human rights violation. The human freedom index was also of interest. All the data contained in that document needed to be reconsidered in order to produce a fuller picture and hence a more useful instrument. The UNDP's work in that area should be guided by the activities of other relevant bodies and of the Centre for Human Rights.

21. The Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights were, for their part, making a valuable contribution to the preparations for the World Conference on Human Rights. The Netherlands delegation had been interested, in particular, by the suggestions that human rights and development issues be integrated and regarding the functioning of the supervisory bodies.

22. Concerning the status of the Covenants, dealt with under item 15 of the agenda, the Netherlands delegation welcomed recent ratifications of or accessions to the Covenants by a number of countries and also welcomed new States Parties to the First Optional Protocol. The entry into force in July 1991, of the Second Optional Protocol was a major step towards the abolition of the death penalty and the Netherlands delegation hoped that there would be universal ratification of that instrument for which it was therefore

essential that information should be made generally available. Over the past few years the Netherlands had made many attempts within the European Community to prevent the application of the death penalty. In many cases and under highly different circumstances, the representations made had been fruitful, whether or not on account of procedural defects, and had resulted in reduced sentences.

23. Regarding item 16 of the agenda, which concerned the functioning of treaty bodies, the Netherlands delegation considered it necessary to improve the way they were organized so as to make better use of the expertise of the committee members and more effectively to help member States to provide the information required. The growing number of States parties to the different instruments, the complexity of societies whose situation could not easily be covered in short reports and the mass of information to be taken into account were all factors contributing to a heavier workload for the treaty bodies. Efficiency measures therefore needed to be taken, not only by making more resources available to those bodies but also, and above all, by streamlining their operation. In that connection, a "resource room" could be envisaged where information on the various countries would be readily at hand. Computerization could also be considered. To improve the coherence of the system and avoid harmful duplication of work, account could be taken of the recommendations set out in the Secretary-General's note (A/44/668) and in the document to be submitted by the Committee on Economic, Social and Cultural Rights to the World Conference on Human Rights.

24. Mr. Solt resumed the Chair.

25. Mr. GARRETON (Chile) said that the questions under items 7 and 8 of the Commission's agenda were of special interest to the Latin American countries, the heads of State of which had undertaken at Guadalajara to promote the social development of their peoples, full respect for human rights, democracy, the strengthening of Latin American institutional systems and compliance with the standards of international law. The concept of development as a human right, which had not emerged until the 1960s, had been enshrined in the Declaration on the Right to Development, adopted by the General Assembly on 4 December 1986, which defined the right to development as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized". Admittedly, there was no single development model; it was by virtue of their right of self-determination that peoples freely pursued their economic, social and cultural development, in accordance with article 1 of the International Covenant on Economic, Social and Cultural Rights.

26. Furthermore, the object of development, which was both individual and collective in character, was to ensure individual self-fulfilment within the community and, in so far as it was a human right, was inconceivable in a non-democratic framework. Democracy and development alike were cultural phenomena and, as such, were the results of peoples' efforts. As was stated in article 2 of the Declaration on the Right to Development, all human beings had a responsibility for development and development policies should be based on the active, free and meaningful participation of the entire population and of all individuals. Fortunately, democracy was no longer regarded as a

concept alien to the Third World countries imposed upon them by the developed countries. Democracy might not always lead to development, but it was none the less a precondition for it. Conversely, and for different reasons, developed countries had long maintained that the developing countries were not ripe for democracy and that they could not achieve it until they had attained a certain level of economic growth. Accepting such a theory meant accepting the perpetuation of underdevelopment and the permanence of the vicious circle of poverty, which was a source of social tension leading to political crises, the use of force and consequently an increase in military spending to the detriment of growth, which could only make for yet more acute poverty. Mr. Pérez de Cuéllar had brilliantly refuted that line of reasoning in his speech on the occasion of the celebration of the fortieth anniversary of the Universal Declaration of Human Rights in 1988 and his successor, Mr. Boutros-Ghali, had also stated in his first official speech that there could be no democracy without development and no development without democracy. It was clear that human rights, democracy and development were closely interlinked and that, to enhance the indivisibility of all categories of rights, progress must be made in developing legal standards which were the best way of guaranteeing them.

27. It should not be forgotten however that the peoples of the countries of the South would not be able to attain the development goals they had set themselves unless they benefited from international solidarity. All countries should cooperate to ensure the realization of the economic, social and cultural rights of all peoples since democratic institutions would be unable to withstand the tension generated by the frustration felt at the absence of development.

28. Mr. ADENIJI (Nigeria) was pleased to observe that there was increasing recognition of the link between development and the full enjoyment of all human rights and of the inseparability of those rights. The right to development was fundamental and was a precondition for the enjoyment of all human rights. Denial of that right constituted a denial of the fundamental right of a person to full growth.

29. For all too long the international community had given attention to violations of human rights only within national boundaries without due regard for the effect on the human rights situation in the country of a hostile international environment that was hindering national development. Most developing countries, especially in Africa, were currently victims of an international economic system which inhibited their economic and social development and it would not be possible to bridge the ever-widening gap between the haves and the have-nots if it were not made possible for the underdeveloped countries to develop. Only then could there be any talk of a truly new world order. The developing countries were overburdened by debts which they were currently unable to pay back. Debt servicing obligations and the high cost of imported capital goods caused them to be net exporters of resources to the industrialized North. The situation was compounded by the ever-falling prices of their commodities. The peoples of those countries were therefore living in conditions of extreme poverty that were an offence to human dignity and constituted a violation of the most basic of human rights. It could clearly be seen from the political and social conditions in the 28 countries of Sub-Saharan Africa, which were among the 42 least

developed countries in the world, that there was a correlation between economic development and other fundamental human rights - including the right not to live in poverty or in constant fear of losing one's life through starvation. The Nigerian delegation was therefore happy to note that the Under-Secretary-General for Human Rights, the Chairman of the Commission on Human Rights at its forty-eighth session and his predecessor at the forty-seventh session had all emphasized, in their opening statements, the interdependence of human rights, democracy and development.

30. Referring to the report of the Secretary-General on the effective implementation of the Declaration on the Right to Development (E/CN.4/1992/10), the Nigerian delegation approved the concrete proposals contained in paragraphs 67, 69, 72 and 73 and was of the opinion that the Commission on Human Rights should study further the recommendations appearing in paragraphs 79, 80, 83, 87 and 88. The right to development was indissociable from the other rights defined in the Universal Declaration and was a realizable right. Every individual had the right to make a decent living and contribute to the welfare of his society. But half measures would not suffice to ensure all human beings of effective enjoyment of the right to development. A plan similar to the Marshall Plan should be drawn up to bring the continent of Africa to a stage where it could contribute economically, socially and politically to the development of the African peoples and the world at large. Considering that ideological barriers were breaking down, that the boundaries of the world were shrinking and that the big divide was poverty, the international community had to shoulder its collective responsibility and do everything in its power to help the underprivileged to realize their aspirations and exercise their right to development.

31. Before winding up, the Nigerian delegation wished to put it on record that the allegations made by the World Organization against Torture under item 7 of the agenda to the effect that Nigerian prisoners had died in detention for lack of health care or food were completely groundless. Nobody had ever died of starvation in Nigeria and that organization should have checked the facts before making such allegations which, by distorting the truth, discredited non-governmental organizations whose valuable contribution to the work of the Commission was however recognized by everyone.

32. Mr. STEEL (United Kingdom of Great Britain and Northern Ireland) began by considering the concept of good government and its relationship to human rights and, specifically, to the development process. The United Kingdom was convinced that good government was a key factor in ensuring the full implementation of economic, social, civil and political rights and that there were three main elements involved. First, Governments should not go beyond their proper sphere and should act fairly and equitably, ensuring that the main participants in the development process, and the main beneficiaries of that process, were the people themselves. Secondly, Governments should constantly strive to improve the quality of civil servants while ensuring open and accountable public services, which was the best way of making sure that bad practices and failures were exposed and that the needs of citizens were met. Thirdly, there had to be respect for human rights and the rule of law. No justification was necessary here. It was self-evident that citizens would neither want nor be able to play a part in the development process unless their rights were respected and protected by an open and fair legal system.

33. Those themes had been taken up by a number of international institutions such as the OECD's Development Assistance Committee, the World Bank and the IMF. The European Council had recalled, in a Declaration on Human Rights issued in June 1991, the indivisible character of human rights and the importance of economic, social and cultural rights, as of civil and political rights, and of freedom of worship, for human dignity. It had further stressed that democracy, pluralism, respect for human rights, institutions working within a constitutional framework, and responsible and fairly elected governments, as well as the recognition of the legitimate importance of the individual in a society, were essential prerequisites of sustained social and economic development. For their part, the Commonwealth Heads of Government meeting in Harare in October 1991 had reaffirmed their commitment to the principles of justice and human rights, including the rule of law and the independence of the judiciary, and equality for women, and likewise their commitment to work with renewed vigour to extend the benefits of development to everyone within a framework of respect for human rights.

34. The potential implications of the link between good government and development could not be determined in the abstract, as they varied from case to case. Where development aid was involved, they needed to be the subject of a constant and open dialogue between donor and recipient governments. The concern was by no means to promote one particular democratic tradition but rather to strengthen systems of democratic government appropriate to the social and political structures of the countries concerned and calculated to underpin sustained economic development.

35. Moving on to the question of the status of the International Covenants on Human Rights and the functioning of the treaty monitoring bodies, he said that the United Kingdom welcomed the establishment of a new committee to monitor implementation of the Convention on the Rights of the Child. It was gratifying that a large number of States had ratified that Convention, but that was merely the first step. The large number of accessions also meant that the new Committee faced a formidable workload. That would be on top of all the difficulties currently experienced by the treaty monitoring bodies. It was a truism that the efficacy of the international human rights instruments largely depended on the monitoring system established. It was, however, also a truism that there were many weaknesses in the way the system operated. Many States did not submit reports and often experts had neither the time nor the resources to subject those actually received to a thorough examination. In addition, there was often an overlap between the enquiries made by one committee and those by another, which imposed a heavier burden on States and was itself a cause of late reporting. Finally, there was an almost total lack of publicity for the work of the committees, and the dense nature of the reports, which were rarely summed up in a thorough and analytical manner, was such as to put off those seeking information.

36. The Committee experts, notably Mr. Alston, and the chairmen of the treaty monitoring bodies, had already identified the weaknesses and proposed remedies. He hoped that practical proposals would be put forward in that connection at the World Conference on Human Rights, to be held in 1993. Individual committees and the Centre for Human Rights could already introduce improvements and were endeavouring to do so, as demonstrated, for example, by

the deliberations of the Committee on the Elimination of Racial Discrimination, which had started to address the problem of examinations of the situation in states that had not submitted reports.

37. With regard to the financing of treaty monitoring bodies, the United Kingdom welcomed the adoption by consensus of Australia's proposal to fund the Committee on the Elimination of Racial Discrimination from the regular budget and hoped that a similar solution would be found to the financial problems of the Committee against Torture.

38. Mr. ROA KOURI (Cuba) expressed considerable regret that nothing had been done in the six years that had elapsed since the adoption of the Declaration on the Right to Development. The imbalance between the levels of development of the industrialized countries and the developing countries was continuing to grow. Unequal trade, monetary instability, the foreign debt burden and the existence of a monopoly on technology, to cite but those factors, characterized international relations and were instrumental in siphoning off more and more of the wealth of the South to the North, which was responsible for the economic problems and impoverishment of the developing countries. The economic difficulties of the countries of the South were reflected in a serious drop in the quality of life in most of them. Close on 60 per cent of the working population were unemployed or underemployed, more than 950 million human beings were living in absolute poverty, 195 million children under the age of five were suffering from hunger, infant mortality was 10 times higher than in the developed countries and 900 million adults were illiterate while hundreds of thousands of children were deprived of basic education. The situation was compounded by the lack of coherence of the rich countries' policies in respect of the causes of extreme poverty, namely inequitable international economic relations, the plundering of resources, dumping and other unfair trading practices, unequal terms of trade and difficulties of access to the markets of the North.

39. To overcome those difficulties, the countries of the South would undoubtedly have to strive unceasingly to advance upon the road to development by modifying their structures and by establishing economic and social infrastructures. To that end, they needed to stamp out corruption, streamline management and production, halt the flight of capital and invest in key sectors of the economy. However, it was also necessary to replace the current system of exploitation inherited from colonialism by true North-South cooperation. How could one dare to speak of peace, security and democracy to those who had never enjoyed the most fundamental rights? If there were to be any sense in speaking in such a way, inequalities had to be redressed and there had to be a more equitable sharing of wealth.

40. One of the first problems to be solved was that of the foreign debt burden. Not content to amass interest from a debt that largely exceeded the value of all the gold and silver extracted from Latin America by the colonial regimes, the rich countries were still demanding to be paid back. However, the debt of the countries of the South, which amounted to US$ 1,300,600 million, could not be paid back.

41. The neo-liberal economic policies proposed by the rich countries and the structural adjustments applied at the expense of the most disadvantaged sections of the population, far from helping to surmount the crisis, threatened the survival of democratic regimes and jeopardized the efforts made in the cause of development and the promotion of human rights. One had only to take a look at conditions in the countries of the South to realize that no trust could be placed in such solutions, especially since the tragic and explosive situation there was the result of a subservient capitalism spawned by centuries of colonialist and imperialist exploitation.

42. He deeply regretted that the Secretary-General's report on the effective implementation of the Declaration on the Right to Development (E/CN.4/1992/10) gave so little attention to such matters and wondered how a report that was supposed to be of universal scope could be so one-sided, selective and discriminatory to the point of casting a veil over the main concerns of the developing countries. The basic barriers to the realization of the right to development were a failure to respect the right of peoples to self-determination and their right to sovereignty over their natural resources, mass and flagrant violations of human rights, foreign aggression and occupation, the maintenance of an unjust international economic order, the debt burden, structural adjustments and the concentration of political and economic power in the hands of the industrialized countries. It was therefore imperative that the recommendations contained in the report should be geared to those realities and that practical, realistic proposals should be submitted to solve the problems.

43. In conclusion, he emphasized that in spite of the aggressive policy of several United States administrations which were endeavouring to disrupt Cuban society and undo socialism, Cuba was making colossal efforts to achieve development, notwithstanding the fresh economic and commercial difficulties generated by the collapse of socialism in Eastern Europe and the increased risks to which the country was exposed in its fight to safeguard its independence and sovereignty. He stated that Cuba was continuing its development programmes, and was obtaining significant results in the fields of science, technology, agriculture, health, education and culture.

44. Ms. DJORDJAVIC (Yugoslavia) recalled that the international community had to thank the United Nations for the most important achievements in the field of human rights. The United Nations had codified fundamental rights and freedoms, thereby offering to Member States a basic international legal system whereby they could ensure the protection of those rights and freedoms. Through the adoption in 1986 of the Declaration on the Right to Development, the question of development, codified in turn, had become an important factor in the realization of all other human rights.

45. Development was a vital issue for developing countries and the interdependence of democracy and development had become a matter of paramount concern to the international community. Yugoslavia, convinced that the question of the right to development would be a permanent item on the agenda of United Nations bodies and institutions and other relevant national and international organizations, considered that the International Conference on Human Rights to be held in 1993 should give priority to consideration of the right to development as it related to democracy.

46. The international community was currently faced with the problem of the implementation of the Declaration on the Right to Development and the numerous factors influencing the realization of that right. That issue had been extensively debated in the General Assembly and in the Commission on Human Rights. It had also been addressed by States in their reports and by United Nations bodies and institutions. While in theory everyone agreed about the indivisibility and interdependence of human rights, in practice the system for the protection of economic, social and cultural rights, including the right to development, seemed less developed than the machinery for the protection of civil and political rights. For that reason, the Commission on Human Rights should devote more attention to the issue in future.

47. It should be borne in mind that the right to development was a human right and that recognizing it as such did not mean attempting to define a universal model of development. Hence, in practice, only those criteria and indicators directly related to its "human and legal dimensions" could be taken into consideration. Among such criteria and indicators listed in the Secretary-General's report on the effective implementation of the Declaration on the Right to Development (E/CN.4/1992/10), the Yugoslav delegation wished to single out that of participation in the democratic process of political decision-making. The concept of human participation in development made man both an active participant in development, and the beneficiary of the right thereto, and at the same time confirmed the individual and collective nature of that right.

48. Irrespective of the concrete measures taken by Governments to implement the right to development, their comments, collected in the Secretary-General's report, showed that they had paid little attention to the numerous obstacles still blocking the path to development, such as the debt problem and structural adjustments. In that connection, the Yugoslav delegation wished to mention the economic sanctions applied by some countries against some regions of Yugoslavia. Those sanctions were not the outcome of deliberations and decisions in United Nations bodies and their effects upon the development of the country were already being felt.

49. The Secretary-General's report as a whole pointed to an increasing need for coordination of the activities of United Nations bodies dealing with development and those dealing with human rights. The Yugoslav delegation had prepared a draft resolution on the right to development. It hoped that many delegations would participate in the final drafting of the text and would thereby help to secure its adoption.

50. Mr. RASAPUTRAM (Sri Lanka) recalled that more than 800 million people were currently living at starvation levels and that over a billion people were below the poverty line. There was consequently an urgent need to give the highest priority to the realization of economic, social and cultural rights. Furthermore, it was clear that all categories of human rights, whether economic, social, cultural, civil or political, were indivisible and that any obstacle to the realization of economic rights might not only delay the development process but also create problems in the social and political field to the point of holding back the democratic process itself.

51. Furthermore, the overwhelming foreign debt burden, the negative transfer of net financial resources and the declining prices of commodities had not only resulted in a deterioration of living conditions in the developing countries, but also endangered the stability of their political institutions. In that connection, the report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17) submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by the Special Rapporteur, Mr. Türk, highlighted the negative impact of international financial operations on the realization of the right to development. The debate was continuing regarding the desirability of examining within that forum policies and action-oriented measures in respect of the right to development and the realization of economic and social rights. Sri Lanka, for its part, considered that the direct link between human rights, economic rights and the right to development could be highlighted only in the Commission on Human Rights. By way of conclusion, the Sri Lanka delegation gave the last word to Mr. Boutros-Ghali, the new Secretary-General of the United Nations, who had recently stated: "If there is no development without democracy, there can also be no democracy without development".

52. Mr. RUIZ Y AVILA (Mexico) was pleased to note that the age of sterile confrontations and strategies based on military alliances had come to an end. Nevertheless, care had to be taken that the end of East-West confrontation did not rekindle tension between the rich countries and the poor countries. It was clear that if economic disparities between nations were not ironed out, there would be greater instability in the world. The Mexican delegation shared the view of the members of the Security Council who had recently stated that lasting peace and stability were possible only if true international cooperation were established to eradicate poverty and promote a better life for everyone within the framework of greater freedom.

53. The Mexican delegation thought that, as had recently been stated by the former Secretary-General of the United Nations, Mr. Javier Pérez de Cuéllar, while it was clear that human rights violations endangered peace, the principle of the defence of human rights should not be used as a pretext to encroach upon the legitimate sovereignty of States. Mexico considered that the implementation of the right to development was the most rational means of ushering in the conditions for lasting stability conducive to economic expansion and hence to the flowering of democracy and to respect for human rights. However, nowhere could individual freedoms be restricted, as was claimed in some quarters, on the grounds of the pre-eminence of the right to development.

54. The Mexican delegation reaffirmed the indivisibility of human rights and the existence of an indissoluble link between individual rights, fundamental freedoms and the right of peoples to self-determination and to the free pursuit of their economic, social and cultural development. Effective action at the national level was, of course, necessary for the emergence of social justice and the exercise of all those rights. However, such action could not be dissociated from the world context and therefore international cooperation had a decisive role to play. It was noteworthy in that connection that when there were economic and social crises in developing countries, flight capital from those countries usually found refuge in safer countries without encountering

any discrimination; on the other hand, when local economies ended up in ruins for want of financial resources, migrant workers looking for jobs and refugees looking for peace and security were, for their part, turned back from the various countries where they were seeking asylum.

55. It was quite clear in that regard that superficial measures would not suffice to stave off xenophobic and racist attacks, but that the countries concerned would need to engage in in-depth study on the causes of those problems, which were in fact linked to the problem of development. Mexico considered that the Commission should therefore in future explore in greater depth the subject of the right to development and concern itself more with working out mechanisms whereby the implementation and consolidation of that right could be guaranteed.

56. Mr. LEMINE (Mauritania) pointed out that the efforts made by many governments towards achieving democracy and development were still hampered by an international environment which, by its very nature, favoured the industrialized countries and penalized the developing countries. There was an ever widening gap between those two groups of countries, contributing to a decline in the living conditions of the bulk of the world's population. Deteriorating terms of trade, protectionism on the part of the developed countries and barriers to the transfer of technology were the root causes of that situation. In addition, since the early 1980s, the debt burden had been becoming ever more difficult for the developing countries to bear. Many of them had adopted structural adjustment policies, but such policies had given precedence to productivity and growth at the expense of the human dimension, which was however the ultimate goal of all development.

57. The Declaration on the Right to Development reflected the same reasoning when it urged all States "to promote a new international economic order based on sovereign equality, interdependence, mutual interests and cooperation among all States, as well as to encourage the observance and realization of human rights". The responsibility lay particularly with the developed countries, which had an influence on international economic relations and the functioning of the world economy. The international political situation was particularly conducive to the attainment of that objective in that substantial resources had already become available through the halting of the arms race and could be used to promote the economic and social development and welfare of all peoples. It had to be realized that poverty, besides impairing the dignity of humanity as a whole, was a source of social disturbances and currently constituted the greatest threat to world stability.

58. Mr. ZHU (China), exercising his right of reply, protested, following the statement made by the representative of a non-governmental organization, Human Rights Advocates, condemning Chinese policy in Tibet, against the lies that had been circulating on that subject for several years. That NGO alleged that mass migrations of citizens of Chinese origin were being organized by the Chinese Government in order to encircle the "Tibetan minority" with a view to genocide. That was completely false. One had only to consider the results of the census carried out in July 1990 by the Chinese Government to see that the Tibetans did not constitute a threatened minority. Of the 2,196,010 inhabitants of Tibet, 2,096,000 were Tibetans by origin, or about 96 per cent of the population. In addition, the population of Tibet

had been stable since 1951. The irresponsible statement by the representative of Human Rights Advocates merely brought discredit on the organization she represented.

59. Ms. ESCALER (Philippines), referring to items 7 amd 8 of the agenda, was very pleased to note in the report of the Secretary-General (E/CN.4/1992/10) that the right to development was now inscribed in the development programmes of many States and international organizations. But that was not sufficient in itself. The international community must also ensure the resources needed for the exercise and enjoyment of that right.

60. It was currently being seen that Governments were increasingly complementing their economic strategies with objectives relating to political rights and social well-being and were seeking not only to modernize the economy but also to distribute income more fairly, improve the standard of living and create a more equitable social structure, in a word to make citizens, men and women, the end and the beginning of the development process. Similarly, many international bodies were taking measures to incorporate the principles set out in the Declaration on the Right to Development in their activities, with the result that their programmes would be instrumental in altering the social equation for those who had always borne the weight of poverty and want. All those initiatives showed that momentum had undeniably been generated to create conditions for the realization of the right to development of individuals and peoples. Now that ideological conflicts had given way to a war against economic backwardness and deprivation, the time had come to make that idea a reality. Valid questions had been raised as to the exact substance of the right to development, who its beneficiaries were and how it could be implemented, thereby giving cause to ponder the real objectives to be met and to beware of the counter-productive idea of a hierarchy to be established among the various categories of rights. Human rights were indivisible and mutually reinforcing and, in order to promote development, equally urgent attention should also be given to each of those rights.

61. Economic development was one of the commitments entered into by the Philippine Government for its people and, in the Philippines, the State and the private sector were combining their efforts to increase the country's productive capacity. Yet economic activity and modernizing measures were likely to be of little consequence if they did not enhance the welfare of the individual so that access to food, health, education and other basic services would go hand in hand with participation in development. The Philippine authorities were well aware that the problem of meeting basic human needs and guaranteeing minimum welfare extended beyond national boundaries. It was therefore with anguish that the Philippine Government saw its development prospects jeopardized by continuing trade protectionism, the foreign debt burden, further recession in some developed countries and the drying up of development financing at a time when worldwide investment needs were becoming increasingly acute. The trend had to be reversed and that could be done only through international cooperation.

62. The global consultation on the right to development had produced concrete recommendations for the realization of that right and for measuring progress towards that end. Those recommendations deserved serious consideration and

action needed to be taken on them in the various United Nations bodies and specialized agencies so as to ensure effective coordination of development programmes that were related to the exercise of civil, political, economic, social and cultural rights. No effort must be spared in meeting that challenge, which consisted in building peace, sharing abundance and creating prosperity for all nations of the world. With the significant reduction in political tension, the world was now being offered a unique opportunity to further international cooperation for the promotion and protection of all human rights. It was simply a question of seizing that opportunity.

63. Mr. ZODIATES (Cyprus), in his statement on items 7, 8, 15 and 16 of the agenda, started by noting that effective implementation by States of the obligations they had contracted under freely ratified instruments was a decisive factor for the new international order. Prominent among those instruments was the cluster of human rights treaties with their ever-expanding monitoring mechanisms. Standard-setting activities in regard to human rights, which were among the achievements of the United Nations, could not be underestimated. The delegation of Cyprus noted with satisfaction the continued increase in the number of ratifications of, or accessions to, the international human rights covenants.

64. Cyprus' Constitution, which had been in force since independence in 1960, contained in Part II a code of human rights which was at least as comprehensive as the international conventions adopted in that field. However, it was particularly difficult for the Government of the Republic of Cyprus to ensure that all the inhabitants of the country were able to enjoy those rights since part of the island lay outside its effective control. His delegation wished to point out in that connection that the presence of a foreign army of occupation was unacceptable and that it could not be condemned on one continent and excused or justified on another since the result, which was the denial of most human rights and the distortion of the political will of the inhabitants of the occupied land, was the same in all cases.

65. At a time when the pace of events was speeding up all over the world and a more dynamic role was being asserted for the United Nations, special attention should be given to securing universal adherence to, and monitoring compliance with, existing instruments. To that end, further thought should be given to ways of ensuring the effective operation of treaty bodies and the complications arising from the proliferation of human rights instruments. The expanding role of human rights bodies underlined the need for normative consistency, adequate resources to service those bodies and suitable procedures for submitting and preparing reports.

66. The realization of human rights was an essential prerequisite for human beings to enjoy a peaceful existence and achieve fulfilment. Although recent political developments had overshadowed the problem on the international scene, it should not be forgotten that great economic disparities between nations, the enormous debt of developing and third world countries, the moderate, if not negative, rates of growth experienced by the majority of nations and the uncertainty about the outcome of multilateral negotiations, like those of the Uruguay Round, presented a serious threat to the enjoyment of the civil and political rights, and of the economic, social and cultural rights, of the peoples of the developing countries. His country

believed in the indivisibility of all human rights and had learned through experience that the way to development lay through democracy. The right to development could not be isolated from all other rights nor be realized independently of them.

67. Mr. NASIER (Indonesia) said that people in most developing countries were still mainly concerned about the necessary means of existence and the fulfilment of such basic needs as food, shelter, education and adequate health. It was a fact that millions still lived below the poverty line without adequate education or health care. It was therefore essential to promote economic, social and cultural rights, along with other rights which were of paramount importance for the realization of human dignity. In an increasingly interdependent world, action at the national level to promote those rights could not be effective unless it went hand in hand with efforts at the international level. The key word was social justice, nationally as well as internationally, which still needed to be achieved.

68. The world situation had developed quite differently from what had been expected, but the state of the world economy had not changed and was marked by increasing difficulties resulting from an inequitable international order and the debt burden. In almost all developing countries the situation had considerable consequences for the realization of economic, social and cultural rights and it was to be feared that in the long run their ability to create the right atmosphere for the promotion and protection of all human rights would be reduced. There was therefore an urgent need to strengthen multilateral economic cooperation and to revitalize development. In that connection, his delegation supported the recommendation formulated at the close of the global consultation on the right to development (E/CN.4/1990/9) that all States should cooperate in creating an international economic and political environment conducive to the realization of the right to development.

69. For Indonesia, that right was at the core of economic, social and cultural rights and drew its importance from the fact that it emphasized each person's right to a decent life, a life of dignity, to participate actively in all aspects of development and to enjoy its benefits. The essence of that right was that the human person was the subject of it rather than the object. Nevertheless, it could not be realized unless certain conditions were met and it was there that the State and international organizations had a decisive role to play. The State had the duty to protect the population and make it aware of its rights while creating conditions conducive to their realization. At a later stage, international organizations had the task of defining the values and formulating the norms in which the right to development would be embodied, and to create the mechanisms needed to implement those norms.

70. In some countries the social foundation had already been firmly laid, enabling the people to claim their civil and political liberties directly. In developing countries, however, it was imperative that the right to development should be fully realized in order to guarantee respect for other human rights for everybody. The loss of dignity suffered by human beings as a result of lack of food and shelter or lack of access to education and health facilities was no less important than the impairment of their civil and political rights. Experience had shown that if there was no proper understanding of

that fact, disturbances would arise which would ultimately affect all aspects of human life. His delegation considered development to be essential for the maintenance of lasting social peace and the effective promotion of human rights, while at the same time progress towards respect for human rights was an important factor in economic and social advancement. The right to development should therefore find expression in cooperation among States, international organizations and all those concerned, in line with the United Nations Charter.

71. Ms. PARK (Canada) said that her country, as a party to the Covenant on Economic, Social and Cultural Rights, also held the view that human rights extended beyond fundamental and traditional concepts that associated them with civil and political rights. They were not an abstact legal notion or a political theory (in vogue) in industrialized countries. They meant the opportunity for all human beings to be sufficiently nourished, adequately housed, suitably clothed, to be educated and to educate their children, to have access to proper medical treatment, to earn a living and to keep their family free from financial worries. Human rights meant respect for the dignity of each human being. In Canada such values had a particular importance. It was incumbent upon Governments to consider how best to create the conditions conducive to the realization of such rights.

72. Human rights also needed to be considered in the context of the profound economic, social and political changes in the world, which were giving new meaning to the words "human rights" and "democracy" and their relationship to development. Without human rights and a commitment to democratic principles and institutions, a society's potential for social and economic development was held back. In other words, respect for fundamental human rights was being increasingly regarded as an integral part of "good governance", a concept involving priority for basic social programmes, moderate defence spending, respect for human rights, probity and transparency of public accounts, democratic institutions and sound economic management. Good governance did not necessarily mean adherence to foreign styles and systems of government. The fundamental principles of democracy and pluralism were universal, but their application could translate into radically different political structures, based on national traditions, needs and habits of thought. What was important was that the fundamental principles of an open society should be respected. Democratic development encouraged full and equitable public participation in the entire range of social, political and economic activities of the State. It was conducive to the development of a democratic culture based on the rule of law, independence of the judiciary, freedom of the press, and popular consultations. The challenge was to develop effective yet culturally sensitive programmes to assist countries in their movement towards sustainable democratic cultures.

73. The link between human rights and development was an increasingly important aspect of Canada's foreign policy, especially its bilateral relations, its approach to development assistance and its participation in multilateral organizations. For Canada, human rights and democracy should be regarded as essential tools for development and not just luxuries for wealthy countries. Moreover, Canada was intending to channel its development assistance increasingly to those countries that respected the fundamental rights and individual freedoms of their people, refusing to subsidize repression or the stifling of democracy.

74. The link between human rights and development also assumed other forms. Canada was encouraging countries to use the advisory services existing in the Centre for Human Rights and in the funding agencies and development banks. Sectors that might receive funding were for example programmes to strengthen independent judiciaries, national human rights mechanisms, ombudsmen, electoral officers and a free press. If countries decided to give priority to such sectors, they would do much to improve respect for human rights.

75. The broad spectrum of human rights included in particular the equality of women. Canada was endeavouring through its assistance programmes to give active support to the role of women in development and hoped that its initiative at the United Nations on violence against women would lead to a universal declaration. Similarly, since investment in future generations was a key concern for all countries, it was important to improve the lot of the world's children. Her country was pleased to have had a leading part in the recent World Summit for Children, which had played a catalytic role in the adoption of the United Nations Convention on the Rights of the Child, recently ratified by Canada.

76. The Canadian delegation also concluded that economic, social and cultural rights and development should not be regarded as something separate from fundamental political and civil rights but that, on the contrary, there was scope for pursuing the full range of human rights in ways that would encourage the trend towards freer, more open, and more prosperous societies.

77. Mr. RODRIGUEZ (Observer for Bolivia), exercising his right of reply, wished to provide some clarifications following the statement made at the 15th meeting by the representative of the Standing Human Rights Assembly of Bolivia. The latter, speaking on behalf of the International Youth and Student Movement for the United Nations, had described the Bolivian Government's economic and social programme as "a kind of official assault". Was that a reasonable way of referring to the fact of having reduced the rate of inflation from 28,000 per cent to an average of 14 per cent in recent years, and the rate of unemployment from 17 to 7 per cent? Could one speak of a deterioration in the standard of living of most of the population when, in 1991, wages had increased by 20 per cent while the rate of inflation had been 14 per cent? The fact was that Bolivia was an exceptional case since it was able, by virtue of its economic stability, to invest public funds in social programmes.

78. The Bolivian delegation was surprised that the forum of the Commission had been chosen to deal with labour issues, especially since no complaints from national trade unions had been received by specialized United Nations bodies. Furthermore, the Bolivian Government maintained a dialogue with labour and management in the form of consultations on national budgeting and the updating of labour and social security legislation. That policy had resulted in a lowering of the number of school dropouts and the rate of infant mortality which, according to WHO statistics, was about 90 deaths per 1,000 live births. To sum up, the measures taken by the Bolivian Government were specially designed to help the most vulnerable and most needy sections of the population.

79. At the legal and institutional level, there was absolute respect for the law in Bolivia and the right of association and the right to strike were recognized there. It was, however, obvious that strike action had been used as a means of political pressure with the sole aim of disturbing the lawfully established order and not for the purpose of expressing social demands. As for hunger strike, the Bolivian delegation questioned the legitimacy of that method, wondering whether it was consistent with respect for human rights to drive children and women to a form of suicide. The action that had been taken in such circumstances had been in accordance with Bolivian law.

80. The separation of the State's powers was fully guaranteed in Bolivia, in keeping with the Constitution, and Bolivian democracy was rooted in the sovereignty exercised by the people through the ballot box. The proceedings instituted against a number of judges of the Supreme Court had taken place in accordance with the law and the case was now closed. A commission composed of representatives of the three branches of government was currently studying structural reforms of the Bolivian State. That being so, one could hardly speak of the erosion of democratic institutions.

81. The case of the kidnapping carried out by a terrorist group had been amply discussed and explained and the procedure to elucidate the murder of the industrialist in question had been entrusted to the proper judicial authorities. Mention had also been made in the statement of other cases which had no place in the discussions of the Commission as they were in the hands of the Bolivian judicial police. As for the complaints regarding the traffic in children, the cases were purely criminal ones and those responsible had consequently been handed over to the ordinary courts.

82. Regarding the effort to combat the production of drugs and the illicit traffic in them, it was false to say that in Bolivia there had been states of exception where democracy was concerned. In the areas where the coca leaf was grown, the Government intervened strictly within the limits of the powers assigned to it for the purpose of keeping down the harmful activity of drug trafficking.

83. The representative of the International Youth and Student Movement for the United Nations, in thus distorting the truth with impunity, was no doubt seeking solely to sully the favourable reputation enjoyed by Bolivia in all circles. The Bolivian delegation, for its part, reaffirmed the Bolivian Government's determination to continue, within the framework of democracy and respect for the fundamental freedoms guaranteed by national and international instruments, an economic and social policy that was proving fruitful.